



## COUNCIL MINUTES

August 25, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 25, 2008 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Vice Mayor Jones.

Pledge of Allegiance was led by Trevin Turley, Scout Troop # 570.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith stated that a citizen has requested that item 4a be removed from the consent agenda.

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that the consent agenda items, as amended, be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes from the April 17 and August 18, 2008 Council meetings.

3. Take action on the following liquor license applications:

\*3a. Dobson Ranch Retirees Club

This is a charitable event to be held on October 11, 2008 from 5:00 p.m. to 8:00 p.m. at 2345 South Saratoga Avenue. **(District 3)**

\*3b. Augusta Ranch Golf Club

Person Transfer Beer & Wine Bar License for Augusta Ranch Golf Club, 2401 South Lansing, YSPF Holding B, LLC – Raymond J. DiMuro, Agent. The previous Beer & Wine Bar License held at this location by Augusta Ranch Golf Club, issued March 4, 1999, will transfer to the applicant. **(District 6)**

\*3c. Rosa's Mexican Grill

New Restaurant License for Rosa's Mexican Grill, 328 East University Drive, JKG LLC – James Warner Gifford, Agent. The previous Restaurant License held at this location by Rosa's Mexican Grill will revert back to the State. **(District 4)**

4. Take action on the following Teenage Dance Hall Application:

4a. Club Seis Frias

New Teenage Dance Hall for Club Seis Frias, 111 South Dobson Road, Suite #108 – Applicant Kathleen C. Frias. This is an existing building with no previous teenage dance hall license. **(District 3)**

Kathleen Frias, 111 South Dobson Road, #108, the applicant, stated that when she originally submitted her application for a teenage dance hall, she had requested that it be allowed to operate on Thursdays from 4:30 p.m. to 11:00 p.m. She explained that she is now requesting that Thursday no longer be a day of operation and that she be given the option to operate the teenage dance hall on Friday and/or Saturday nights.

Councilmember Kavanaugh clarified that it would be the intent of the applicant to limit the operation of the teen dance hall to Friday and Saturday nights and that the Council would not be approving its use for any other nights of the week.

Ms. Frias concurred with Councilmember Kavanaugh's statement. She also noted, in response to an inquiry from Councilmember Higgins, that she would further agree to an additional condition imposed by the Council to limit the hours of operation from 4:30 p.m. to 11:00 p.m.

and confirmed her understanding that she would not be authorized to extend such hours without the Council's prior approval.

Discussion ensued relative to the fact that the existing facility operates as a nightclub; that during the hours of operation of the teenage dance hall on Fridays and Saturdays, all alcoholic beverages would be locked in a keyed office; that in the opinion of the applicant, it may be more advantageous economically to operate the facility as a teenage dance hall as opposed to an adult nightclub; and that the applicant does not intend to surrender the nightclub's liquor license to the State.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the application for a teenage dance hall be approved, with the hours of operation as stated on Friday and Saturday nights (4:30 p.m. to 11:00 p.m.), and that if the applicant wishes to expand the hours of operation or change the days of operation, she would seek Council approval for such requests.

Councilmember Somers expressed concern regarding the fact that alcoholic beverages would remain on the premises even though they would be locked in a keyed office. He stated that for that reason, he would oppose the motion.

City Attorney Debbie Spinner reported that City staff was apprised by the State Liquor Board that as long as any alcoholic beverages are locked in a keyed office, the agency would allow the applicant to operate her existing establishment as a teenage dance hall. She noted that the applicant's failure to comply with such a regulation would be a basis for the revocation of the nightclub's liquor license.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Higgins-Jones-Kavanaugh  
NAYS - Richins-Somers

Mayor Smith declared the motion carried by majority vote.

5. Take action on the following contracts:

- \*5a. Purchase of a Fingerprint Card File Storage System for the Police Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Office & Warehouse Storage Solutions, LLC at \$204,979.42, including applicable sales tax.

- \*5b. Purchase of Computer Equipment and Software for the Police Department, Forensic Services.

The Procurement Services Department recommends authorizing purchase from the current Mesa contract with JusticeTrax, Inc. at \$193,546.03, and the State of Arizona contract (through the Western States Contracting Alliance [WSCA]) with Dell, Inc. at \$75,654.21, for a combined total of \$269,200.24, including applicable taxes.

6. Introduction of the following ordinances and setting September 8, 2008, as the date of the public hearing on these ordinances:

- \*6a. **A08-17 (District 4)** Annexing land located south of U.S. 60 and east of Country Club Drive (44.11 ± ac). Initiated by Dana Belknap, Gallagher and Kennedy, PA representing the property owner.
- \*6b. **Z08-48 (District 4)** The 1600 and 1700 blocks of South Country Club (east side). Located southeast of U.S. 60 and Country Club Drive. (44± acres) Establish M-2 and C-3 zoning. This case will establish City zoning. Patrick Cusack, Homer Clyde/Cowley Duke/Cusack Pat Tr and John Helms, Empire Southwest LLC, owners; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

- \*6c. **Z08-49 (District 4)** The 1600 and 1700 blocks of South Country Club Drive (east side). Located southeast of U.S. 60 and Country Club Drive. (50 +/- acres) Rezone from M-1, M2 and C-3 to M1-PAD and Site Plan Review. This case is for a campus industrial use. Patrick Cusack, Homer Clyde/Cowley Duke/Cusack Pat Tr and John Helms, Empire Southwest LLC, owners; City of Mesa, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers Roberts and Salas absent)

- \*6d. **Z08-51 (District 6)** 6747 East Broadway Road (south side). Located west and south of Broadway Road and Power Road. (1.34± acres). Rezone from C-2 to AG and Site Plan Review. This request will allow for the expansion of an existing cemetery. SCI Arizona Funeral Services Inc., owner; Daniel Cable, EDA Land Planning, PC, applicant.

PHO Recommendation: Approval with Conditions.

- \*6e. **Z08-52 (District 6)** 11318 East Pecos Road (north side). Located east and north of Pecos Road and Mountain Road. (5± acres). Rezone from M-1 PAD to M-2 PAD. This case will rezone to allow for M-2 uses utilizing the approved site plan. Justin Dupuy, Braided Cord Enterprises, owner; Randolph Carter, Dream Catchers Planning and Design, LLC, applicant. Wade E. Cooke, Landcor Consulting, P.C., engineer.

PHO Recommendation: Approval with Conditions.

- \*6f. **Z08-01TC (District 4)** Property located south of University Drive, east of Pasadena, west of Mesa Drive and north of East 2<sup>nd</sup> Street (26± acres). The proposed Rezoning will eliminate an existing Council Use Permit and Planned Area Development. The underlying base zoning district of Mixed Use – Town Center will remain the same. City of Mesa, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

DDC Recommendation: Approval with Conditions. (Vote: 8-0)

7. Take action on the following resolutions:

- \*7a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for the operation of Dial-a-Ride service in the City of Mesa. Mesa's estimated cost is \$1,499,922 – Resolution No. 9331.
- \*7b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for the operation of the RideChoice Program in the City of Mesa. Mesa's cost is \$350,000 – Resolution No. 9332.
- \*7c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission (Crime Victim Assistance) to secure grant funds in the amount of \$30,600 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting crime victims – Resolution No. 9333.
- \*7d. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$41,348 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting domestic violence victims of crime – Resolution No. 9334.
- \*7e. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$42,486 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting restitution-eligible victims of crime – Resolution No. 9335.
- \*7f. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the Federal Bureau of Investigation (FBI) to participate in the Financial Crimes and Mortgage Fraud Task Force. The FBI will reimburse the City up to \$15,854.25 per year for overtime earned by officer assigned to the task force – Resolution No. 9336.
- \*7g. Extinguishing a portion of a Vehicular Non-Access Easement at 4010 East McDowell Road – Resolution No. 9337. **(District 5)**  
  
The extinguishment of a portion of this easement is necessary for the development of an industrial warehouse.
- \*7h. Extinguishing a portion of a Drainage Easement on Lot 15 of Escalante at Mountain Bridge – Resolution No. 9338. **(District 5)**  
  
The extinguishment of a portion of this easement is necessary to remove the easement from the title on Lot 15.
- \*7i. Extinguishing a portion of a Public Utilities Easement at 1828 South Rialto Street – Resolution No. 9339. **(District 6)**

The extinguishment of a portion of this easement is necessary for the construction of a backyard swimming pool.

- \*7j. Extinguishing portions of two Drainage Easements located in the Legacy at Mountain Bridge Subdivision – Resolution No. 9340. **(District 5)**

The extinguishment of a portion of these two easements is necessary to correct the subdivision plat.

- \*7k. Revising the Policy Guidelines and Application Procedures for the Establishment of Community Facilities Districts – Resolution No. 9341.

- \*7l. Approving and authorizing the City Manager to execute a Joint Power Agreement between the City of St. Paul, Minnesota and the City of Mesa to provide three police officers to assist with security at the 2008 Republican National Convention – Resolution No. 9342.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*8a. **Z08-42 (District 1)** 1614 North Mesa Drive. Located south of McKellips Road and west of Mesa Drive (1.09± acres). Rezone from R1-6 to O-S and Site Plan Review. This request will allow for the development of an assisted living facility. Gregory D. Link, CSOM – Link, LLC, owner/applicant – Ordinance No. 4872. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- \*8b. **Z08-44 (District 6)** The 6800 block of East Elliot Road (south side) and the 3600-3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road (14.46± acres). Rezone from C-2-DMP to C-2-BIZ-DMP and Site Plan Review. This request will allow the development of a multiple-use center including a 4-story hotel. George, Gilbert, "The Commons," L.L.C., owner; Ralph Pew, Pew and Lake, PLC, applicant; Eugene S. Cetwinski, ESCA Environmental, Inc. – Ordinance No. 4873. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- \*8c. **Z08-45 (District 1)** 2304 North Center Street. Located on the west side of Center Street and north of McKellips Road (2± acres). Site Plan Modification. This request will allow the construction of an industrial shell building. Joe Boyle, Boyle Family, L.L.C., owner; J. Joseph Diemer, Diemer & Associates, applicant; William H. Standage, Standage & Associates, Ltd., engineer – Ordinance No. 4874. ***(Notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 7-0)



- \*8d. **Z08-46 (District 6)** 4730 and 4750 East Baseline Road. Located on the north side of Baseline Road and east of Greenfield Road (5± acres). Rezone from AG (Conceptual M-1) to PEP PAD and Site Plan Review. This request will allow the development a group office center. Gary R. Claybaugh, Baseline 2005, L.L.C., owner; Gary R. Claybaugh, Midiron Development Group, L.L.C., applicant; Cameron B. MacDonald, Site Solutions, L.L.C – Ordinance No. 4875. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- \*8e. **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the "Baseline Center" Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant; Stuart Rayburn, RCC Design Group, LLC, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.) (CONTINUED TO THE SEPTEMBER 22, 2008 REGULAR COUNCIL MEETING.)***

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

9. Take action on the following subdivision plats:

- \*9a. "URBAN VILLAS" **(District 4)** 1759 East Broadway Road (south side) located south and west of Broadway Road and Gilbert Road. 6 R-4 condominium units (0.29 ac.) Michael Watson, owner; Jeff Cook, Western Geomatics Services, surveyor.
- \*9b. "MAP OF DEDICATION FOR MOUNTAIN BRIDGE PHASE 2" **(District 5)** 8633 East Mountain Bridge Drive (south side) located south and west of McKellips Road and Ellsworth Road. (5.97 ac.) Jeff Blandford, manager, Pinnacle Ridge Holdings, L.L.C., owner; Darrell Smith, Wood, Patel & Associates, Inc., engineer.

\*10. Assign delinquent, uncollectible accounts to collection services and to write-off and charge their respective bad debt expense accounts for the three-month period ending June 30, 2008, totaling \$456,592.

11. Items from citizens present.

Roger Ottaway, 2311 West Northern Avenue, Phoenix, owner of Move Cost Specialists, LLC, addressed the Council and provided an extensive overview of a dispute he has with the City of Mesa relative to being paid for services rendered by his company. He urged the Council to review the matter and to "make the right moral decision" in this regard.

12. Adjournment.

Without objection, the meeting adjourned at 6:08 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 25<sup>th</sup> day of August 2008. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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